



U.S. Department of Justice

*United States Attorney  
Eastern District of New York*

JM:DCW  
F.#2009R001834

*271 Cadman Plaza East, 4<sup>th</sup> Floor  
Brooklyn, New York 11201*

August 10, 2012

BY HAND AND ECF

The Honorable Eric N. Vitaliano  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Samuel Rosario  
Criminal Docket No. 09-847 (ENV)

Dear Judge Vitaliano:

On or about May 4, 2012, the defendant was sentenced by the Court in the above-referenced matter. The government now requests that the Court amend its Order of Judgement to correct the restitution amount payable by the defendant. As the Court has noted, since no victim banks are readily identifiable, the restitution amount reflected in the Order of Judgment should be \$0. See United States v. Zahkary, 357 F.3d 186, 190 (2d Cir. 2004). Counsel for the defendant has indicated that he has no objection to the amendment of the Order of Judgement to reflect a change in the restitution amount.

Respectfully submitted,

LORETTA E. LYNCH  
United States Attorney

By: /s/  
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cc Eric Franz, Esq. (By ECF)